

Crl.Misc.No.66889-M of 2006

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Satbir Singh Dahiya and others Vs. State of Haryana and another

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Present : Mr. R.N. Lohan, Advocate for the petitioners.
Mr. Deepak Girotra, AAG, Haryana for respondent no.1.
Mr.N.R. Dahiya, Advocate for respondent no.2.

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This order shall dispose of Crl.Misc.Nos.66889-M of 2006 and 24129-M of 2006, as they arise from the same FIR.

Prayer in these petitions is for quashing of FIR No.10 dated 12.1.2005, registered under Sections 315,323,324,406,498-A,506 and 34 IPC at Police Station City Dadri,Distt.Bhiwani, on the basis of a compromise, arrived at between the petitioners and the complainant. Petitioner no.3 Suraj Dahiya and respondent no.2 Ms.Suman were married on 20.11.2002. Their marriage, led to matrimonial differences, whereupon respondent no.2 lodged the present FIR. The complainant and her husband began residing separately. Petitioner no.3 i.e. the husband, filed a petition for grant of divorce on 6.12.2004. Respondent no.2, in turn, filed an

application under Section 156(3) of the Cr.P.C., before the Sub Divisional Judicial Magistrate, Charkhi Dadri, pursuant where to, the police registered the present FIR and proceeded to investigate the matter. During the pendency of the trial, as also the divorce petition, the petitioners herein and respondent no.2, decided to resolve their differences. Petitioner no.3 and respondent no.2, filed a joint petition for grant of divorce, by mutual consent. In this petition filed for mutual consent appended with the present petition as Annexure P-2, respondent no.2 acknowledged that she has received her Istri Dhan, dowry articles, maintenance for life, amounting to Rs.4.00 lacs. She also agreed to withdraw all cases against the petitioners pending in different Courts. The Additional District Judge, Rohtak, recorded the statements of petitioner no.3 Suraj Dahiya and respondent no.2 Ms.Suman. Thereafter, vide judgement and decree dated 16.11.2006, their marriage was dissolved.

The complainant is present in person and has filed an affidavit dated 22.11.2006, acknowledging the facts noticed herein above and has also deposed therein that she has no objection, if the present petitions are allowed and the FIR is quashed. The said affidavit is assigned mark 'X'. On the basis of the aforementioned contentions, counsel for the petitioners

and respondent no.2 pray that as parties have resolved their differences that arose from a matrimonial dispute, the present petition be allowed and the FIR and all subsequent proceedings emanating therefrom be quashed.

Counsel for the State of Haryana states that in view of settlement between the parties, the State would not stand in the way of the settlement and does not oppose quashing of the FIR.

As is apparent from the facts narrated herein above, a matrimonial dispute between petitioner no.3 and respondent no.2 has been resolved. Their marriage has been dissolved by the grant of a decree of divorce by mutual consent. Respondent no.2 has filed an affidavit, deposing therein that she has no objection, to the acceptance of the present petitions and quashing of the FIR. In the petition filed for dissolution of marriage, respondent no.2 has accepted that she has received a sum of Rs.4.00 lacs, her Istri Dhan, as also all articles of dowry etc.

It is no doubt true that the offences complained of, are non-compoundable. However, the Hon'ble Supreme Court, while dealing with a similar controversy, in **B.S. Joshi and others V. State of Haryana and another**, 2003(2) RCR (Criminal) 888, has held that in cases arising from matrimonial disputes, where parties have settled their dispute, Courts would

be well within their jurisdiction, to quash proceedings emanating from matrimonial disputes in the exercise of jurisdiction under Section 482 of the Cr.P.C. A perusal of the facts of the present case reveal that, as petitioner no.3 and respondent no.2 have resolved their differences, to permit prosecution to carry on would, in my opinion, be an exercise in futility and a wastage of public time and money. In view of the settlement, the complainant and her witnesses are not likely to support the prosecution case. It is a fit case, where this Court in the exercise of jurisdiction, under Section 482 of the Cr.P.C., should put an end to these futile criminal proceedings. Consequently, in view of the peculiar facts and circumstances of the present case, the present petition is allowed and FIR No.10 dated 12.1.2005, registered under Sections 315,323,324,406,498-A,506,34 IPC at Police Station City Dadri, Distt.Bhiwani, as also consequential proceedings are quashed.

22.11.2006
GS

(RAJIVE BHALLA)
JUDGE